

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lyon Financial Services, Inc.,
a Minnesota corporation, with
its principal offices at
Marshall, Minnesota, d/b/a
USBancorp Business Equipment
Finance Group,

Civil No. 08-5523 (DWF/JJK)

Plaintiff,

v.

ORDER

Shyam L. Dahiya, M.D., Inc.,
a California corporation; and
Shyam L. Dahiya, individually,

Defendants;

and

Shyam L. Dahiya, M.D., Inc.,
a California corporation, and
Shyam L. Dahiya, individually,

Third-Party Plaintiffs,

v.

Syneron, Inc.,

Third-Party Defendant.

John D. Docken, Esq., US Bank, and Troy C. Kepler, Esq., US Bancorp BEFG, counsel for Plaintiff.

Karl A. Oliver, Esq., The Oliver Group, PLC, counsel for Defendants and Third-Party Plaintiffs.

Cynthia A. Moyer, Esq., and Sarah C.S. McLaren, Esq., Fredrikson & Byron, PA, counsel for Third-Party Defendant.

This matter is before the Court on a Motion to Dismiss brought by Third-Party Defendant Syneron, Inc. At oral argument on the matter, the Court ruled off the bench as to the disposition of the matter. This Order serves to memorialize the Court's comments from the bench.

IT IS HEREBY ORDERED that:

1. The Court declines to rule on Syneron, Inc.'s Motion to Dismiss (Doc. No. 12) at this time.
2. The Court is inclined to grant Syneron, Inc.'s Motion without prejudice, which would likely result in the case being brought in Illinois or Delaware, pursuant to the parties' contracts.
3. The Court requests that within ten days of the date of this Order, the Third-Party Plaintiffs and Third-Party Defendant attempt to reach a resolution as to where the Third-Party Complaint should be brought. The Court contemplates that such resolution may or may not require a request for stay or a confession of judgment.
4. If the parties would like the assistance of the Magistrate Judge in reaching such a resolution, the parties should contact Jackie Phipps, Calendar Clerk to Magistrate Judge Jeffrey J. Keyes, at 651/848-1180 for scheduling.
5. The Court requests that the parties notify the Court of any resolution to the matter. If the parties do not contact the Court within ten days of this Order, the Court

will issue a ruling on Syneron, Inc.'s motion on or about thirty days from the date of this Order.

Dated: July 31, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge